

REGULATIONS FOR OBTAINING INFORMATION FROM THE DATABANK AND  
PROCEDURES FOR VERIFICATION AND AUTHORIZATION OF PERSONS  
REQUESTING INFORMATION FROM THE DATABANK

6 VAC 40-60-10 et seq. Regulations For Obtaining Information From the Data Bank And  
Procedures For Verification And Authorization Of Persons Requesting Information From  
the Data Bank.

CHAPTER 60

REGULATIONS FOR OBTAINING INFORMATION FROM THE DATA BANK  
AND PROCEDURES FOR VERIFICATION AND AUTHORIZATION OF PERSONS  
REQUESTING INFORMATION FROM THE DATA BANK

PART I.

DEFINITIONS.

Summary: Pursuant to Virginia Code Section 19.2-310.5, these regulations describe the process for obtaining information from the DNA databank and for verifying the authority of persons requesting the release of information from the DNA data bank. Specification of the personnel with access to the DNA data bank along with samples is also contained in the regulation.

6 VAC 40-60-10. Definitions.

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

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“Agency” means any federal, state or local government law-enforcement organization in the Commonwealth.

“Data Bank” means the Department’s database of DNA profiles and/or the corresponding identifying information.

“Department” means the Department of Forensic Science.

“DNA” means Deoxyribonucleic acid.

“DNA analysis” means analysis conducted on blood, saliva or tissue samples to obtain a genetic profile of identification characteristics.

“DNA Profile” means the results of forensic DNA analysis of a bodily substance.

“Sample” means a biological sample taken for DNA analysis.

“Subject” means the individual from whom the sample is obtained.

PART II

PROCESS FOR OBTAINING INFORMATION FROM THE DATA BANK

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6 VAC 40-60-20. Persons authorized to obtain information regarding whether or not an individual is in the data bank.

Any written request for any information from the data bank shall come from a federal, state or local law enforcement officer whose request is made in furtherance of an official investigation of any criminal offense.

6 VAC 40-60-30. Person(s) to whom a request for information from the data bank may be addressed.

The written request must be addressed to the Data Bank Supervisor at the Department of Forensic Science and be signed by the requestor.

6 VAC 40-60-40. Contents of a Request for Information from the Data bank.

Any written request for information from the data bank must contain the most complete identifying information available for the subject; full name, social security number, date of birth, race, sex, SID number. The request must specify that the information is being obtained in the course of an official investigation of a criminal offense.

6 VAC 40-60-50. Form of the Request.

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- A. All requests must be in writing and addressed to the Data bank Supervisor.

Requests should be on official letterhead and signed by the requesting official.

- B. Any request made in person will be reduced to writing and verified by a DFS employee

1. If the request is made in person, it must be reduced to writing on a plain piece of white paper and signed by the requesting official.

2. The plain white piece of paper must include requestor's agency name and address.

3. The identity of requestor must be verified by department personnel with verification of the requestor's ID card and badge number.

4. Once verification is made, the plain white piece of paper must also be signed by same DFS employee on the bottom of the paper with the language "Identification verified by viewing requestor's identification card – badge #" written near the signature and signed by the department personnel.

6 VAC 40-60-60. Where to Make Request.

Requests may be made:

A. Via Facsimile: (804) 786-9985.

B. Via United States Mail: 700 North Fifth Street, Richmond, VA 23219.

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C. In Person at: 700 North Fifth Street, Richmond, VA 23219.

6 VAC 40-60-70. Substantial Compliance.

These regulations and the steps set forth herein relating to access to the data bank, the information contained therein and the samples are procedural in nature and not substantive. Substantial compliance therewith shall be deemed sufficient.

PART III

PERSONNEL WHO HAVE REGULAR ACCESS TO THE DATA BANK AND

SAMPLES SUBMITTED AS A NECESSARY FUNCTION OF THE JOB

6 VAC 40-60-80. Security of the data bank.

Access to the data bank computers and samples is restricted. The computers are password protected and the samples are stored physically in a locked room within the Virginia Department of Forensic Science Central Laboratory. Access is limited to these individuals whose access is a necessary function of their jobs.

6 VAC 40-60-90. Specific Positions that require regular and necessary access to the electronic data bank, physical samples and associated individual information.

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A. CODIS Administrator (FS V).

1. Access to add, update and delete samples both physically and electronically.
2. Authority to add or remove the degree of access for an employee.

B. Data Bank Supervisor (FLS VII).

1. Access to add, update and delete samples both physically and electronically.
2. Authority to add or remove the degree of access for an employee after consultation with the CODIS Administrator or the Forensic Biology Section Chief.
3. Data Bank Supervisor will designate who will have access to the samples and associated individual information.

C. Data Bank Analysts (FLSVI).

1. Access to add and /or update samples both physically and electronically
2. One Analyst designated by the Data bank Supervisor has authority to delete samples both physically and electronically.
3. Authority can be altered, revoked or expanded by the Data bank Supervisor.

D. Forensic Administrative Specialist III (FAS III).

1. Access to add and update samples both physically and electronically.

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2. One Forensic Admin. Specialist designated by the Data bank

Supervisor has authority to delete samples both physically and electronically.

3. Authority can be altered, revoked or expanded by the Data bank

Supervisor.

E. Information Security Officer.

1. Access to repair or update the database.

2. Access to ensure the security of the database.

3. No access to the physical samples or the room in which they are kept

F. Database Administrator.

1. Access to repair or update the database.

2. May update, add or delete samples and or authorization of personnel.

3. No access to the physical samples or the room in which they are kept.